

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 LESLIE E. BRAST
Deputy Attorney General
4 State Bar No. 203296
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5548
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 LYDIA ZANE, Senior Legal Analyst
Telephone: (415) 703-5573
9 Facsimile: (415) 703-5480

10 **BEFORE THE**
BOARD OF REGISTERED NURSING
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. *2013-634*

13 **DAWN MICHELLE VALERIO**
14 **134 Locust Street**
15 **Hagerstown, MD 21740**

A C C U S A T I O N

16 **Registered Nurse License No. 775872**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about June 21, 2010, the Board of Registered Nursing (Board) issued
24 Registered Nurse License Number 775872 to Dawn Michelle Valerio (Respondent). The license
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 September 30, 2013, unless renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board under the authority of the following

1 laws. All section references are to the Business and Professions Code (Code) unless otherwise
2 indicated.

3 4. Code section 2750 provides, in pertinent part, that the Board may discipline any
4 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
5 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6 5. Code section 2764 provides that the expiration of a license shall not deprive the
7 Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a
8 decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may
9 renew an expired license at any time within eight years after the expiration.

10 STATUTORY PROVISIONS

11 6. Section 2761 of the Code states in relevant part(s) that the board may take disciplinary
12 action against a certified or licensed nurse or deny an application for a certificate or license for
13 any of the following:

14 (a) Unprofessional conduct, which includes, but is not limited to, the following:

15 ...

16 (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
17 against a health care professional license or certificate by another state or territory of the United
18 States, by any other government agency, or by another California health care professional
19 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
20 action.

21 REGULATORY PROVISIONS

22 7. Section 1419 of the California Code of Regulations, title 16, subsection (d) states that
23 as a condition of renewal, an applicant for renewal shall disclose on the renewal form whether,
24 since he or she last renewed his or her license, he or she has had a license disciplined by a
25 government agency or other disciplinary body. Discipline includes, but is not limited to,
26 suspension, revocation, voluntary surrender, probation, reprimand, or any other restriction on a
27 license held.

28 ///

1 COST RECOVERY

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 FIRST CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct - Out of State Discipline)
10 (Bus. & Prof. Section 2761, subd. (a)(4))

11 9. Respondent is subject to disciplinary action under Code section 2761, subdivision
12 (a)(4), in that on or about October 26, 2010, in a disciplinary action before the Maryland Board of
13 Nursing (Maryland Board), the Maryland Board made Findings of Fact, Conclusions of Law, and
14 thereon entered a Final Order of Revocation revoking Respondent's license to practice nursing in
15 the State of Maryland. The circumstances are as follows:

16 10. On or about December 7, 2009, Respondent was terminated from her employment
17 with Washington County Hospital ("Hospital") because she accessed a patient's medical records
18 on three separate occasions and on one occasion disclosed the patient's test results to non-medical
19 third parties without the patient's permission. Respondent was not assigned to care for the patient
20 and had no legitimate reason to access the patient's medical records. Further, Respondent
21 admitted to the Hospital's Clinical Manager that she obtained access to the patient's medical
22 records by using the "sign-in" identifications of two separate physicians and a respiratory
23 therapist when they individually left the computers logged in.

24 SECOND CAUSE FOR DISCIPLINE

25 (Unprofessional Conduct – False Statement)
26 (Bus. & Prof. Section 2761, subd. (d) and (e))

27 11. Respondent is subject to disciplinary action under Code section 2761, subdivision (d)
28 and (e), pursuant to California Code of Regulations, Section 1419, subdivision (d), in that on or
about September 30, 2011, Respondent falsely indicated that she had not had any license

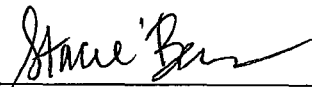
1 disciplined by a government agency since the license was last renewed when, in fact, her license
2 to practice nursing in the State of Maryland had been disciplined as set forth in paragraph 9,
3 above.

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
6 and that following the hearing, the Board of Registered Nursing issue a decision:

- 7 1. Revoking or suspending Registered Nurse License Number 775872, issued to Dawn
8 Michelle Valerio;
- 9 2. Ordering Dawn Michelle Valerio to pay the Board of Registered Nursing the
10 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
11 Professions Code section 125.3;
- 12 3. Taking such other and further action as deemed necessary and proper.
- 13

14 DATED: FEBRUARY 20, 2013

15 
16 for LOUISE R. BAILEY, M.ED., RN
17 Executive Officer
18 Board of Registered Nursing
19 Department of Consumer Affairs
20 State of California
21 Complainant

22
23
24
25
26
27
28
SF2012403197
40650503.doc